

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

207

**CRM-M-36410-2022 (O&M)
Date of decision: 31.08.2022**

Surender @ Jhanda

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Subhash Kumar, Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-29485-2022

Allowed as prayed for.

CRM-M-36410-2022

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.115 dated 12.05.2016 under Sections 364, 302, 201, 212 and 34 IPC and Sections 25-54-59 of the Arms Act, 1959 registered at Police Station Barwala, District Hisar.

Learned counsel for the petitioner inter alia submits that after the petitioner was extended the concession of regular bail by this Court on 27.07.2020, he had been regularly appearing before the Trial Court, however, as he was in a shock due to reasons beyond his control, he absented from the Court during the trial on 22.12.2021. Thereafter, non-bailable warrants of arrest were issued to secure his presence and ever since 10.02.2022, he has been in custody. Learned counsel prays

that a compassionate and lenient view be taken and the petitioner be admitted to bail as there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He submits on instructions that no doubt the petitioner absented himself from the proceedings before the Trial Court only on one date i.e. 22.12.2021, however, it is also a matter of record that during the pendency of the case in question he was involved in another criminal case i.e. FIR No.974 of 2021 for offences under Section 307 IPC and the Arms Act. Learned State counsel has still further submitted that the petitioner is a man of criminal antecedents as he is involved in 23 other criminal cases. He has placed on record the list of other criminal cases which stand registered against the petitioner. Learned State counsel has also disputed the submissions made by the counsel opposite that the trial is unlikely to conclude in the near future. He, on further instructions submits that all the 38 prosecution witnesses cited by the investigating agency stand examined and the next date fixed before the Trial Court is 05.09.2022, hence, the trial would not take much time to conclude.

I have heard learned counsel for the parties and perused the material placed on record.

This Court, in the aforementioned facts and circumstances specially his antecedents, does not deem it fit to extend the concession of bail to the petitioner, moreso, when the trial is nearing conclusion. Accordingly, the instant petition is dismissed.

However, it is made clear that anything observed

hereinabove shall not be construed to be an expression of opinion on the merits of the case.

31.08.2022

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No